

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 22, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner noted updates will be given on the status of the flooding in the Police Department building and the 9-1-1 back-up facility. Also, she indicated an item has been added to the agenda for a closed session concerning an economic development project.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell read a proclamation designating January 21-27, 2002 as Durham Jaycees Week.

Council Member Clement thanked the committees involved for their leadership in sponsoring events during the Martin Luther King, Jr. celebration.

Council Member Best announced that the Subcommittee to Study Developing an Entertainment Venue is scheduled to meet Monday, January 28, at 12:30 p.m. in the Committee Room.

Mayor Bell indicated that he will be attending the U. S. Conference of Mayors Meeting and requested that he be excused from the January 24, 2002 Council Work Session.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to excuse Mayor Bell from the January 24, 2002 City Council Work Session was approved at 7:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

City Manager Conner recognized Assistant City Manager John Pedersen. Mr. Pedersen briefed Council on the flooding situation that occurred on January 12 at the Police Headquarters reporting on the status of repairs and that the facility is back up and operational.

Council held discussion on the cost analysis and maintenance schedule.

Assistant City Manager John Pedersen indicated a report would come back to Council on the cost analysis and assessment of the incident.

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SUBJECT: 9-1-1 BACK-UP FACILITY – E.I. CONSTRUCTION SERVICES, INC.

City Manager Conner commented on the request for additional funding for the 9-1-1 Center repairs and indicated the City is in the process of negotiating with the County on the portion to be reimbursed to the City.

Acting Property & Facilities Management Director Laura Gill noted the additional cost of \$84,000 was due to the redesign of the sprinkler system, the Halo Fire Suppression System that is required to meet National Fire Protection Association's standards and other expenses associated with project. She stated the additional funds requested would be coming from the Maplewood Cemetery improvements.

Council Member Stith raised a concern with the crossing of projects.

Council Member Edwards expressed a concern about taking funds from the Maplewood Cemetery renovations.

Acting Property & Facilities Management Director Laura Gill noted that she would provide Council with a report on what the \$166,000.00 appropriated for Maplewood Cemetery Renovations would fund.

Council Member Best raised a concern noting the plans should have been submitted first and standards reviewed before the project was budgeted.

Council Member Cole-McFadden requested the project manager to come back with a report on this item.

Acting Property & Facilities Management Director Laura Gill noted a report will be given at the January 24, 2002 City Council Work Session.

Mayor Pro Tempore Cheek requested information on whether the individual responsible for designing the plan did not know what had to be included relative to standards and if the cost to the City was greater as a result of the discovery of this at mid-stream as opposed to had it been known at the beginning.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to authorize the City Manager to negotiate and execute a final change order with E.I. Construction Services, Inc. on the construction of 9-1-1 Back-Up Facility project provided that the cost of all change orders does not exceed \$167,612.98 and that the total contract amount does not exceed \$753,612.98; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12324" was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: Council Member Stith. Absent: None.

Ordinance #12482

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Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda.

Relative to Consent Item #19, Council Member Stith asked the administration why the ad in the January 20, 2002 newspaper [Disinfection Process Change] did not include the same information for dialysis patients that had been included in previous communication notices.

Public Affairs Director Beverly Thompson indicated that she would look into this matter.

Also, Council Member Clement requested a report on the City's water level at the January 24, 2002 City Council Work Session.

In relation to Consent Item #28, Council Member Clement announced that the Passenger Vehicle for Hire Subcommittee is scheduled to meet January 30, 2002 at 3 p.m.

Consent Agenda Items 12 and 20 were pulled.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT ITEMS]

SUBJECT: STOP SIGN- BROOKWOOD SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of a stop sign at Brookwood Court at Umstead Road, northwest corner was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12483

SUBJECT: STOP SIGN- COUNTRY CLUB HEIGHTS SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of a stop sign at Quiet Woods Place (Private) at Country Club Drive, southeast corner was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12484

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SUBJECT: STOP SIGN - PUBLIC WORKS OPERATION CENTER EXIT – MARTIN LUTHER KING, JR. PARKWAY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of a stop sign at the Public Works Operation Center Exit at Martin Luther King, Jr. Parkway, northwest corner was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12485

SUBJECT: STOP SIGNS - CARPENTER POINTE SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Dovetail Drive at Carpenter Road, northwest corner
- b) Renovators Place at Dovetail Drive, northeast corner
- c) Dovetail Drive at Panther Creek Court, east corner

Ordinance # 12486

SUBJECT: STOP SIGN - EAST ELLERBEE STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of a stop sign at East Ellerbe Street at Lindbergh Street, northeast corner was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12487

SUBJECT: STOP SIGNS - AUTUMN RIDGE SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Turning Leaf Lane at Autumn Ridge Drive, northwest corner
- b) Turning Leaf Lane at Yellowwood Lane, southwest corner
- c) Yellowwood Lane at Autumn Ridge Drive, northwest corner
- d) Smoketree Court at Autumn Ridge Drive, northwest corner

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- e) Queensland Court at Autumn Ridge Drive, northeast corner
- f) Autumn Ridge Drive at Umstead Road, northwest corner

Ordinance #12488

SUBJECT: SPEED LIMIT - MARTIN LUTHER KING, JR. PARKWAY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 45 mph on Martin Luther King, Jr. Parkway from NC 55 west to Hope Valley Road was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12489

SUBJECT: SPEED LIMIT REDUCTION - OAK GROVE PARKWAY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing a 25 mph speed limit on Oak Grove Parkway from Highway 98 to Stallings Road was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12490

SUBJECT: SPEED LIMIT REDUCTION - ST. PAUL STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing a 25 mph speed limit on St. Paul Street from Roxboro Road to Farthing Street was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12491

SUBJECT: SPEED LIMIT- MERIDIAN PARKWAY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to establish a 30 mph speed limit on Meridian Parkway beginning at the west curb line of NC 55 and extending to the north curb line of Meridian Parkway was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12492

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SUBJECT: STREET ACCEPTANCE - HOPE VALLEY FARMS – VILLAGES OF CORNWALLIS – AUBURN SUBDIVISION – WOODCREEK SUBDIVISION – ALEXAN PLACE – DAVIS PARK – WOODLAKE – HOPE CREEK (PHASE I) – WALLTOWN ALLEY – BARBEE MEADOWS – MARTIN LUTHER KING, JR. PARKWAY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the following streets for maintenance by the City of Durham was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Hope Valley Farms - Gaithers Pointe

- 1) Gaithers Pointe Drive - from the end of PH I construction westward thru the cul-de-sac (409') and,
- 2) Alderbrook Lane – from the centerline of Carlton Crossings Drive southwest to the end of PH I @ STA 7+63.30 (763') and,
- 3) Tapestry Terrace – from the end of PH 1A construction north thru the cul-de-sac (433').

Hope Valley Farms - Carlton Crossing

- 1) Carlton Crossing Drive – from STA 38+50 east of circle eastward to the end of construction @ STA 11+61.84 (268').

Hope Valley Farms - Linden Oaks

- 1) Alderbrook Lane – from the end of the existing pavement @ STA 7+63.3 west then south then east to the centerline of Linden Oaks Avenue (1,192') and,
- 2) Linden Oaks Avenue – from the centerline of S. Roxboro Street extension north thru the cul-de-sac (1,070').

Villages of Cornwallis

- 1) Odyssey Drive – from the end of existing construction at Yorktown west to the end of construction @ STA 11+61.84 (268').

Auburn Subdivision

- 1) Woodcroft Parkway – from the beginning of construction @ STA 7+75.78 east past Barbee Road to Carpenter-Fletcher Road (4,933') and,
- 2) Auburn Village Drive – from the centerline of Barbee Road east then north past Woodcroft Parkway @STA 21+21.24 (2,121') and,

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- 3) Pebble Creek Crossing – from the centerline of Auburn Parkway north to the centerline of Woodcroft Parkway (1,051') and,
- 4) Pebble Creek Crossing – from centerline of Auburn Village Drive south then east past Whitney to end of construction @ STA 18+08.14 (1,808.)

Woodcreek Subdivision

- 1) Forest Ridge Drive – from the centerline of Barbee Road east thru the cul-de-sac (867') and,
- 2) Forest Creek Drive – from the centerline of Forest Ridge Drive northeast to the end of construction @ STA 2+56.72 (257') and,
- 3) Penley Court – from the centerline of Forest Ridge Drive south to the end of construction @ STA 2+24.93 (225') and,
- 4) Byerly Court – from the centerline of Forest Ridge Drive south thru the cul-de-sac (243').)

Alexan Place

- 1) Larchmont Road – from the end of existing pavement north then west to the end of construction @ STA 10+00 (1,700.')

Davis Park

- 1) Distribution Drive – from the end of existing pavement @ STA 12+50 south to the end of construction @ STA 17+12 (462'.)

Woodlake

- 1) Lakeshore Drive – from the centerline of Woodcroft Parkway northeast to previously accepted portion @ STA 17+50 (1,750'.)

Hope Creek – Phase I

- 1) Creek Wood Trail – from the southwest ditch line of Cambridge Road southwest to the centerline of Pine Bark Trail (591') and,
- 2) Sugar Pine Lane – from the end of existing construction northward thru the cul-de-sac (1,306') and,
- 3) Pine Bark Trail – from the centerline of Pine Bark Trail north thru the cul-de-sac (1,163') and,
- 4) Forest Edge Trail – from the centerline of Sugar Pine Lane west to west property line of Lot 86 (300') and,

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- 5) Shady Oak Trail – from the centerline of Pine Bark trail west to the West property line of Lot 82 (125’.)

Alley Acceptance

- 1) **Wall Town Alley** – between Onslow and Lancaster Streets from the north curb line of Knox Street north to the south curb line of Englewood Avenue (626’.)

Barbee Meadows

- 1) Coronado Lane – from the centerline of Barbee Road west thru the cul-de-sac (1,076’) and,
- 2) Cibola Court – from the centerline of Coronado Lane west thru the cul-de-sac (234’) and,
- 3) Grand Mesa Drive – from the centerline of Coronado Lane south to the end of construction @ STA 3+98.13 (394’) and,
- 4) Calaveras Court – from the centerline of Coronado Lane east thru the cul-de-sac (365’.)

Martin Luther King, Jr. Parkway

- 1) Martin Luther King, Jr. Parkway – from the centerline of Cook Road west to the east ditch line of Hope Valley Road (5,685’.)

SUBJECT: TRANSIT GRANT PROJECT ORDINANCE AMENDMENTS AND BUDGET ORDINANCE AMENDMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a City of Durham Grant Project Ordinance Amendment superseding Ordinance 12148 FY 1999-2000 Transit Capital Grant, increasing the revenues and appropriations from \$2,440,804 to \$2,520,304; and

To adopt a City of Durham Project Ordinance Amendment superseding Ordinance 12071 FY 2000-2001 Transit Capital Grant, increasing the revenues and appropriations from \$1,650,304 to \$2,147,452; and

To adopt an Ordinance amending the FY 2001-2002 City of Durham Budget Ordinance, the same being Ordinance 12336, increasing the revenues and appropriations from \$253,699,220 to \$253,815,099 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12493 – 12494 - 12495

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**SUBJECT: TRIANGLE TRANSIT AUTHORITY BOARD OF TRUSTEES
REAPPOINTMENT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint William G. Smith to the Triangle Transit Authority Board of Trustees with a term to expire November 30, 2005 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Antoinette Renee Wilson to the Passenger Vehicle for Hire Commission for a term to expire January 1, 2005 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING CASE: SC01-3 – CITY OF DURHAM - DURHAM
CENTRAL PARK**

Setting a Public Hearing- Street Closing Case: SC01-3 - City of Durham; Durham Central Park- Initiated by: City of Durham

Location: Map 0821, Page 23: D-2

Request: The proposal is to close approximately 309 +/- linear feet of Roney Street. Lots the City owns abutting both sides of the right-of-way to be closed will be combined with the closed right-of-way into one parcel. This parcel is included in the planned Durham Central Park.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution declaring the intent of the City Council to consider permanently closing 309 +/- linear feet (.35 +/- acre) of Roney Street; and

To set a public hearing for **February 4, 2002**, to consider permanently closing 309 +/- linear feet (.35 +/- acre) of Roney Street was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution # 8829

**SUBJECT: CONTRACT FOR ENGINEERING SERVICES FOR GROUNDWATER
REMEDIATION AT DURHAM WATER RECLAMATION FACILITY -
LANDMARK DESIGN GROUP, INC.**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Landmark Design Group, Inc. in the amount not to

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exceed \$102,430 for engineering services for the groundwater remediation project at North Durham Water Reclamation Facility; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PARKS AND RECREATION TRUST FUND (PARTF) GRANT FUNDING
– DOWNTOWN TRAIL OF THE NORTH/SOUTH GREENWAY**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to confirm that the Downtown Trail of the North/South Greenway is a priority for the Durham City Council and to approve the application for the PARTF grant, which affirms that the City of Durham will match a grant award, with the amount of the City match being \$300,000 provided from funds allocated for trails construction, which expenditure is authorized by this motion was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SALE OF A PORTION OF PARCEL B IN GRANT STREET PARK -
MONUMENT OF FAITH CHURCH OF GOD OF PROPHECY**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to declare Parcel 2 and City Tract #969 of Section B Grant Street Park surplus; and

To authorize the City Manager to sell the property under the authority of Section 86 of the City Charter, “Private Sale of Real Property”; and

To accept the offer of \$34,000 from Monument of Faith Church of God of Prophecy to purchase Parcel 2 and City Tract #969; and

To authorize the Mayor to convey the property by a non-warranty deed; and

To authorize the City Manager to reimburse Monument of Faith Church of God of Prophecy \$5,944.07 for costs it incurred to obtain items that were thought to be required by LWCF conversion guidelines was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: NC DEPARTMENT OF TRANSPORTATION AGREEMENT -
REINSPECTION OF BRIDGES ON MUNICIPAL STREET SYSTEM – F A
PROJECT BRZ-NBIS (10)**

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to sign and execute an agreement for the Reinspection of Bridges on the Municipal Street System F A BRZ-NBIS (10) was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT SD 2001-01 - DRAINAGE IMPROVEMENTS - NARRON CONSTRUCTION INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Narron Construction Inc. in the amount of \$89,624.80; and

To authorize the City Manager to establish a contingency fund for the Drainage Improvement projects of \$44,800; and

To authorize the City Manager to negotiate change orders for Contract SD 2001-01 Drainage Improvements provided that the cost of all change orders does not exceed \$44,800 and the total project costs do not exceed \$134,424.80 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT WITH KIMLEY-HORN AND ASSOCIATES FOR PARRISH STREET AND CORCORAN STREET AREA STREETScape IMPROVEMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an amendment to the existing contract for the Chapel Hill Street/Main Street conversion with Kimley-Horn and Associates for additional design services for streetscape improvements for Parrish Street and Corcoran Street and to authorize the \$645,000 contract amount be increased by \$373,000 for the additional design services for the total contract amount, on a cost not to exceed basis, of \$1,018,000 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REQUEST TO AMEND SECTION 22-121(e) OF THE PASSENGER VEHICLE FOR HIRE ORDINANCE

Council, at the 01-10-02 Work Session, referred this item to the Taxi Subcommittee.

SUBJECT: VARIABLE FEES FOR BULK STATIONARY CONTAINER SERVICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance, replacing Ordinance #11997, which creates a multi-tier rate structure for stationary container fees effective February 1, 2002, with once a week collection of each stationary

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container provided for the following monthly fees: \$85.00 for month-to-month customers, \$80.75 for customers entering into a one-year contract, and \$76.50 for customers entering into a two-year contract. A fee of \$20.50 per stationary trash container (dumpster) per collection is authorized for all one-time collections; and

To authorize the City Manager or her designee to execute one (1) and two (2) year contracts to provide stationary container (dumpster) services; and

To authorize the City Manager to modify the contract as long as it remains consistent with this agenda item was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12496

**SUBJECT: COUNTYWIDE DIGITAL MAPPING PROJECT CONTRACT
AMENDMENT #3 - AGRA BAYMONT, INC.**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to increase the amount of the countywide Digital Mapping Project contract by \$107,582.56 to \$1,167,766.46 to complete the development of the countywide topographic and hydrographic mapping data; and

To authorize the City Manager to execute Amendment #3 to the contract with Agra Baymont, Inc. for additional digital mapping services, and to make changes to the contract amendment such that the contractor's obligations are not lessened and the cost to the City is not increased was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: I-85 RAMP IMPROVEMENTS AT ROXBORO STREET

To recommend that the NC Department of Transportation receive and consider citizens concerns regarding the proposed lane geometry for the I-85 ramp improvements at Roxboro Street.

Mayor Bell read a statement from the City Manager noting that a representative from NCDOT would not be present tonight but indicated if they receive a request from Council, they would reconsider the issue of the ramp improvements at I-85 onto Knox Street one last time.

The following citizens representing the Duke Park Neighborhood Association spoke in opposition to the recommendation by NCDOT highlighting concerns with the widening and the right turn lane noting that it is not necessary due to the traffic count, would be detrimental to the neighborhood due to the high pedestrian activity, design will damage the park and neighborhood, and Knox Street would serve as a cut-through for traffic: John Compton, Ester Bent, Hilary Ragin, Edward Shanken and Kristine Stiles.

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Council Member Cole-McFadden asked the administration if they could meet with NCDOT and the neighborhood to come up with a plan that's amendable to all parties.

Mark Ahrendsen, Transportation Manager, replied yes.

A motion was made by Council Member Cole-McFadden seconded by Council Member Edwards to refer this item back to the administration.

Council Member Clement made a friendly amendment to schedule a meeting in Raleigh with the Secretary of Transportation, Council and representatives from the Duke Park Neighborhood Association.

Council Member Stith made a friendly amendment to direct the administration to prepare a resolution expressing Council's support for the neighborhood.

Council Member Cole-McFadden accepted the friendly amendments.

MOTION by Council Member Cole-McFadden seconded by Council Member Edwards to refer this item back to the administration; and

To direct the administration to prepare a resolution expressing Council's support for the neighborhood; and

To direct the administration to schedule a meeting in Raleigh with the Secretary of Transportation, a Council delegation and representatives from the Duke Park Neighborhood Association to discuss a reasonable alternative to the right turn lane onto Knox Street and widening of Roxboro Street was approved at 8:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

NOTE: The Mayor directed the administration to invite NCDOT Board Members Ty Cox and Nina Szlosberg to this meeting.

SUBJECT: SMALL BUSINESS LOAN PROGRAM

Victoria Peterson of P. O. Box 101 commented on the report and expressed a concern about the bonded City employees.

Larry Hester noted he would like for the City to reinstate the loan fund for deserving businesses.

Note: At the 01-10-02 Work Session, a report was received on the status of the City of Durham's collection efforts regarding the Small Business Loan Program.

[GENERAL BUSINESS AGENDA]

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**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
OCTOBER 1, 2001- LOFLIN TRACT – BETHESDA VOLUNTEER FIRE
DEPARTMENT**

To receive citizens' comments regarding the annexation of the Loflin Tract, 15.50 acres on the east side of Ellis Road and abutting NC 147, located contiguous to the City limits.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the city of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Loflin Tract)."

To authorize the City Manager to pay the affected Volunteer Fire Department, Bethesda, under the debt service provisions of NC General Statute.

Vincent Taylor, of the Budget Office, noted the Bethesda Volunteer Fire Department currently has no debt service, therefore, there will be no payments made by the City to them.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

John McAdams, representing the applicant, spoke in support of this annexation. He commented on the upcoming zoning application and urged the Council to accept the petition.

Bill Jackson, of 4208 Six Forks Road, asked staff for clarification on where the current City limits are located around the property to be annexed.

The Mayor noted this concludes all persons wishing to speak on this item.

Council Member Best expressed a concern noting that this raises the value of the land of the people that are still out in the County and could have a direct impact on them.

Mayor Pro Tempore Cheek asked the administration was there a similar request to rezone this property in the County.

Nazeeh Abdul-Hakeem of the City/County Planning Department stated the rezoning request is the same but the development plan accompanying the rezoning was different.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments regarding the annexation of the Loflin Tract, 15.50 acres on the east side of Ellis Road and abutting NC 147, located contiguous to the City limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the city of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Loflin Tract)"; and

To authorize the City Manager to pay the affected Volunteer Fire Department, Bethesda, under the debt service provisions of NC General Statute was approved at 8:18 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12497

SUBJECT: SALE OF PROPERTY AT 532 E. CARVER STREET - RAZIB KHAN

To accept Razib Khan's offer of \$105,511.99 to purchase the property at 532 E. Carver Street, provided he receives final approval for the first mortgage loan.

To authorize the Mayor to convey the property by a non-warranty deed.

Council Member Clement asked staff if the City received another bid on this property.

Betty Pittard, Real Estate Manager, stated the City received another bid for \$106,000 with a \$20,000 City second mortgage to be paid back at no interest over a period of 30 years.

Council Member Stith raised a concern about the guidelines for the program since the bidder of \$106,000 qualified as a first-time homebuyer.

City Manager Conner noted there will probably be another opportunity for this person to qualify as a first-time homebuyer under another project.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to accept Razib Khan's offer of \$105,511.99 to purchase the property at 532 E. Carver Street, provided he receives final approval for the first mortgage loan; and

To authorize the Mayor to convey the property by a non-warranty deed was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT- US DEPARTMENT OF JUSTICE-
FEDERAL BUREAU OF PRISONS – BUTNER FEDERAL FACILITIES**

To authorize the City Manager to enter into a water extension agreement with the US Department of Justice-Federal Bureau of Prisons to extend City water to serve the Federal Facilities at Butner.

Mayor Bell made comments noting that part of this property is located in Durham County, this is not an oversized line and the Federal Government is bearing the total cost for this line and will be charged as a customer receiving water outside of the City limits.

Victoria Peterson, of P. O. Box 101, raised a concern about this item requesting information on the cost when available.

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Council Member Clement announced that the City Manager will make a presentation on Thursday, January 24 at the Work Session concerning the City's water level.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to authorize the City Manager to enter into a water extension agreement with the US Department of Justice-Federal Bureau of Prisons to extend City water to serve the Federal Facilities at Butner was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: LIGGETT DEVELOPMENT - BUSINESS DEAL POINTS - LIGGETT GROUP, INC. – PARKING GARAGE

A presentation was received at the 01-10-02 Work Session from the Lundy Group and the administration on major business points of a public/private development agreement.

To authorize the City Manager to negotiate for City Council consideration a development agreement with Liggett Group, Inc. for redevelopment of the Liggett & Myers tobacco complex based on the "business deal points" document; and

To authorize the City Manager to reimburse Liggett Group, Inc. for the design of a proposed parking garage for an amount not to exceed \$75,000.

Barker French, representing the Historic Preservation Society, read a statement supporting the Liggett Development project on behalf of the Historic Preservation Society.

Denny Clark, of 539 Foster Street, urged Council to support this item.

Bill Kalkhof, representing Downtown Durham, Inc., spoke in favor of this item noting the parking for this development will serve both public/private investments, create jobs for our community, retail opportunities, increase value and property tax collections, and improve the image of downtown.

L. E. Tuckett, of 315 E. Chapel Hill Street, urged Council to support this project noting that he is eager to see downtown come to life again.

Council Member Best asked the City Manager when will Council receive the initial development agreement and how much time they will have to review it to make changes/suggestions.

City Manager Conner noted Council will receive a briefing before the May 6th City Council Meeting concerning the business points that have been negotiated.

Council Member Best made comments suggesting that Liggett should be responsible for building their parking deck to provide 600 parking spaces for the project and the City build the one to service the public.

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City Manager Conner noted the City doesn't foresee the need to build two parking decks because the administration is requesting \$75,000 to pay for the design of the garage and in the event the City is unable to make that fit, the administration would recommend a second garage.

Council Member Best asked if Liggett would be required to do a TIA and infrastructure improvements and asked for clarification on the parking garage operations about sharing the operating revenue.

City Manager Conner noted these issues raised would be discussed as part of the negotiations and will be addressed when the item comes back to Council.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to negotiate for City Council consideration a development agreement with Liggett Group, Inc. for redevelopment of the Liggett & Myers tobacco complex based on the "business deal points" document; and

To authorize the City Manager to reimburse Liggett Group, Inc. for the design of a proposed parking garage for an amount not to exceed \$75,000 was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MULTI-MODAL TRANSPORTATION CENTER - MERCHANTS TIRE AND FERGUSON PLUMBING PROPERTY - WHITE OPTICAL PROPERTY

A presentation was received at the 01-10-02 Work Session from administration on the Durham Station.

To receive a report from the Administration concerning the Multi-Modal Transportation Center ("Durham Station").

To select the Pettigrew Street site, defined by the Merchants Tire and Ferguson Plumbing property (Tax Map 039-05-001) and the White Optical property (Tax Map 039-05-004 and 039-05-005), as the preferred site for the Multi-Modal Transportation Center.

Bill Kalkhof, representing Downtown Durham, Inc., spoke in support of this item. He presented Council with a handout outlining several recommendations from the DDI's Board as the City moves forward with the planning and construction of the Transportation Center.

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the Administration concerning the Multi-Modal Transportation Center ("Durham Station"); and

To select the Pettigrew Street site, defined by the Merchants Tire and Ferguson Plumbing property (Tax Map 039-05-001) and the White Optical property (Tax Map 039-05-004 and 039-05-005), as the preferred site for the Multi-Modal Transportation Center was approved at 8:49

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p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[PUBLIC HEARINGS]

SUBJECT: FISCAL YEAR 2002-2003 PRELIMINARY BUDGET AND FISCAL YEAR 2003-2008 CAPITAL IMPROVEMENT PLAN

To receive comments from the public on the Fiscal Year 2002-03 Preliminary Budget and Fiscal Year 2003-08 Capital Improvement Plan.

Nick Curtis, Acting Budget Director, presented Council with a *Coffee with Council* schedule.

As the Council liaison to Triangle J Council of Governments, Council Member Stith made comments about a note he received from the Executive Director about State revenues.

Council Member Clement thanked former Council Member Diane Wright for instituting Coffee with Councils.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Diane Wright, representing the Campaign for Decent Housing, outlined the Campaign's priorities for the 2002-03 budget as follows: 1) Fund the Campaign and City housing to get all substandard houses brought up to code; 2) Speed up housing code enforcement to improve safety in homes and neighborhoods; 3) Increase affordable housing for renters, home buyers and home owners; 4) Involve NECD residents in planning for HOPE VI and assist affected residents.

Mike Shiflett, representing the Campaign for Decent Housing and Housing Appeals Board, requested Council to increase funding to work on housing code enforcement. Also, he spoke in support of e-mailing agendas for the Housing Appeals Board and creating a web site. He asked for continued support for the Community Life Court and Domestic Violence Court, demolish homes and funding for PAC.

Steve Hopkins, representing the Campaign for Decent Housing & PACs, requested the City to allocate funds to cover the administrative cost to keep PAC a vital part of the community. Also, he spoke in support of increased funding for affordable housing.

Jim McDonald, of 3818 Somerset Drive, requested Council to fund an independent review of the framework governing land use and rezoning decisions.

Barker French, representing the Durham Arts Council, urged Council to continue the 1.5 cents property tax support to the arts and cultural community that contributes so much to Durham's economic development and quality of life.

Marion Lamberth, of 913 Dale Street, urged Council to: 1) Empower the North East Central District citizens to advise them on Hope VI, 2) Develop affordable housing to residents displaced

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by Hope VI and city redevelopment efforts; 3) Help all North East Central District homeowners keep their homes affordable and in good condition; and 4) Support programs to help North East Central residents increase their incomes and become self-sufficient.

Denise Hester, representing the Greater Durham South East Business District, requested funding for nine officers for walking and bicycle patrol for 24-hours in the area of Fayetteville Street; for the implementation of Fayetteville Street/Massey Avenue intersection; and to fund enhancements for the entire Fayetteville Street corridor from the Expressway to Cornwallis Road.

Larry Hester, representing the Greater Durham South East Business District, requested funding for walking/bicycle patrol [Beat 411] and sidewalks along Fayetteville Street; underground utilities rather than overhead lighting; and for the City to invest in capacity building in the neighborhoods.

Stella Adams, representing the N C Fair Housing Center, requested funding for the Center to hire an attorney and housing counselor to work with the NECD tenants and Hope VI corridor as well as other areas of the City where the housing code enforcement is being completed.

Barbara Law, representing the Center for Documentary Studies, encouraged Council to fund the non-city agency grant program.

Barbara Lofton, representing Partners Against Crime, requested funding for a one-stop shop for information for District 4.

Harold Chestnut, representing PAC 4, asked Council to fund another impact team.

Linda Hinton Conley, representing Durham Affordable Housing Coalition, asked Council to again make affordable housing as one of their priorities and spoke in support of the priorities for the Campaign for Decent Housing.

Alice Sharpe, Chair of Downtown Durham, Inc., requested the administration and Council to provide funding support for downtown projects to include streetscape and street pattern improvements; downtown appearance crew; downtown special events and for a central police station.

Bill Kalkhof, representing Downtown Durham, Inc., gave an overview of the financial analysis of current and proposed projects in downtown.

Jackie Wagstaff, representing NECD, urged Council to consider the priorities for Campaign for Decent Housing, to budget additional funding for the Parks & Recreation programs for our youth and asked that the non-city agencies be reviewed and requested additional funding for impact team to clean up debris in the City of Durham.

Victoria Peterson, of P. O. Box 101, raised a concern about the various groups asking for funding. Also, she spoke in support of Council funding a vocational training program.

Michelle Cotton, of 4501 Emerald Forest Drive, spoke in support of funding educational, recreational and job training programs for our youth.

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Angela Langley, of #3 Olivia Court, spoke in support of funding for the Pathways for Opportunities Program and the CIS School.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive comments from the public on the Fiscal Year 2002-03 Preliminary Budget and Fiscal Year 2003-08 Capital Improvement Plan was approved at 9:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER MAIN ASSESSMENT – US HWY 501

To adopt a resolution confirming the assessment roll for water main on US 501 from Tom Wilkinson Road (formerly Massey Road) to Smith Drive at the reduced rate of \$30.00 per front foot.

Due to objections, Lee Murphy of the Public Works Department requested that the properties of Michael C. Koutsis, Mt. Sylvan United Methodist Church, Mildred C. and Elizabeth Flintom be referred to the February 21, 2002 City Council Work Session for further consideration and to continue the public hearing without further advertising.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution confirming the assessment roll for water main on US 501 from Tom Wilkinson Road (formerly Massey Road) to Smith Drive at the reduced rate of \$30.00 per front foot and to refer the properties of Michael C. Koutsis, Mt. Sylvan United Methodist Church, Mildred C. and Elizabeth Flintom to the February 21, 2002 City Council Work Session for further consideration and to continue the public hearing without further advertising was approved at 9:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CABLE TELEVISION FRANCHISE EXTENSION PUBLIC HEARING – TIME WARNER, INC.

To receive citizens' comments on the additional extension, through October 31, 2002, of the current cable television franchise, granted by Ordinance #9172, as amended by Ordinance #12106 and #12274.

Assistant City Manager John Pedersen made comments about the process and asked Council to add a motion to the agenda to adopt an ordinance extending the cable television franchise.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Rev. James Vaughan, representing the Cable TV Advisory Board, urged Council to approve the extension with all deliberate speed. Also, he expressed concern about the City having less negotiating power due to federal regulations.

Bill Kalkhof, representing Downtown Durham, Inc., noted that DDI strongly recommends that Time Warner Cable in its contract be required to install a high-speed online service infrastructure throughout downtown and along with service providers install a conduit system.

Elliott Galdy, of 209 Brandermill Drive, raised a concern about Time Warner increasing its cable rates three times in a year.

Mayor Bell declared the public hearing closed.

Council Member Clement asked the City Manager about a timetable to discuss concerns raised tonight and raised a concern about the increase in cable rates.

As it relates to cable rates, Assistant City Manager Pedersen noted the City Council does not have any control at the local level.

Council held discussion on the extension and review process.

A motion was made by Council Member Clement seconded by Council Member Stith to move the item as printed on the agenda.

Council held discussion on the extension and Carolina Broadband who is no longer pursuing interest in Durham.

Mayor Pro Tempore Cheek made a friendly amendment to adopt the ordinance extending the cable television franchise.

Council Member Clement accepted the friendly amendment.

Council Member Clement urged the City Manager to follow-up with Time Warner to get a response to her letter outlining Council's sentiments concerning the extension agreement.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the additional extension, through October 31, 2002, of the current cable television franchise, granted by Ordinance #9172, as amended by Ordinance #12106 and #12274; and

To adopt an ordinance extending the cable television franchise granted by Ordinance Number 9172 through October 31, 2002 was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12498

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MOTION by Council Member Best seconded by Council Member Edwards to extend the meeting beyond 10:00 p.m. was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CASE: M01-01 – TROSA – A MAJOR SPECIAL USE PERMIT FOR AN EXPANSION TO AN EXISTING COLLEGE TO ALLOW RESIDENTIAL USES – 1820 JAMES STREET

Case: M01-01 (Continued from City Council Meeting on January 7, 2002)

Applicant: TROSA

Request: A Major Special Use Permit for an expansion to an existing college to allow residential uses.

Location: 1820 James Street between Nation and Ward (Tax Map 053-01-005, PIN 0821-17-11-5385; Durham Street Atlas Page 29, A-3)

To hold the quasi-judicial (evidentiary) public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of the case. After the hearing, one of these two motions is in order:

Motion A: (Approved with conditions at the January 7, 2002 City Council Meeting) - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M01-01. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)

Mayor Bell made comments on this item.

Dennis Doty of City/County Planning Department noted the order was prepared as directed by Council.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an order granting, upon certain conditions, a Major Special Use Permit for TROSA, 1820 James Street College with Residential Housing Case M01-01 was approved at 10:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12499

SUBJECT: CASE: PLAN AMENDMENT A01-14 – R. L. HORVATH & ASSOCIATES - INTERSECTION OF US 70 AND MINERAL SPRINGS ROAD, LOCATED ON THE NORTH SIDE OF US 70 AND THE EAST SIDE OF MINERAL SPRINGS ROAD

Case: Plan Amendment A01-14

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Applicant: R. L. Horvath & Associates

Request: Change to a portion of the Southeast Durham Small Area Plan from an Office and High Density Land Use Designation to a Commercial Land Use Designation.

Location: The intersection of US 70 and Mineral Springs Road, located on the north side of US 70 and the east side of Mineral Springs Road.

To adopt the "City Council Resolution Amending South East Small Area Plan, Case A01-14.

Planning Commission Recommendation and Vote: Denial [9-2]

Planning Department Recommendation: Denial

Dick Hails, Acting City/County Planning Director, noted that staff received a request from the applicant requesting that the public hearing on the plan amendment be continued until the February 4, 2002 City Council Meeting without further advertising.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jack Markham, representing the applicant, commented on the deferral.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to continue the public hearing on Plan Amendment A01-14 until the February 4, 2002 City Council Meeting without further advertising was approved at 10:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE: P00-71 – REAL ESTATE ASSOCIATES - 44.43 ACRES ON THE NORTH SIDE OF US 70, EAST OF SANDERS AVENUE

Case: Rezoning P00-71

Applicant: Real Estate Associates

Location: 44.43 acres on the north side of US 70, east of Sanders Avenue.

One parcel and portions of two others identified as: 0759-01-09-0275, 0759-01-19-9198 (partial); and 0850-03-01-7009 (partial), corresponding to Tax Map 655-02-003; Tax Map 654-01-025 (partial) and Tax Map 655-01-005 (partial).

Request: Rezoning from SC (Shopping Center District), OI-2 (General Office and Institutional District) and R-20 (Residential 20 District) to SC(D) (Shopping Center District with Development Plan), OI-2(D) (General Office and Institutional District with Development Plan); (F/J-B) (Falls/Jordan Protected Area) watershed protection overlay area

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of SC, OI-2, and R-20 and placing same in and establishing same as SC(D) and OI-2(D), F/J-B.

Zoning Committee Recommendation and Vote: Denial – (7-0)

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Planning Department Recommendation: Denial

Dick Hails, Acting City/County Planning Director, noted that staff received a request from the applicant requesting that the public hearing on this rezoning case be continued until February 4, 2002 City Council Meeting without further advertising.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jack Markham, representing the applicant, commented on the deferral.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to continue the public hearing on rezoning Case P00-71 until the February 4, 2002 City Council Meeting without further advertising was approved at 10:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P01-14 - CHARLES R. WELLONS ESTATE AND CORNWALL DEVELOPMENT COMPANY – CITY OF DURHAM - 46.44 ACRES ON THE NORTH SIDE OF HIGHWAY 70 SOUTH OF THE INTERSECTION WITH MINERAL SPRINGS ROAD

Case: Initial Zoning of Newly Annexed Territory (Charles R. Wellons Estate and Cornwall Development Company) P01-14

Initiated by: City of Durham

Location: 46.44 acres on the north side of Highway 70 south of the intersection with Mineral Springs Road, PIN 0759-01-18-3456; 0759-01-19-9198 partial; 0850-03-01-7009 (TM 655, Block 2, Lots 3, 5; TM 654, Block 1, Lot 25

Request: OI-2 (General Office and Institutional District), SC (Shopping Center District) and R-20 (Residential 20 District) No change in existing zoning classification is proposed, existing zoning is OI-2, SC and R-20

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-2, SC and R-20 zoning for the above described newly annexed territory

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

Dick Hails, Acting City/County Planning Director, noted an item would come back to Council concerning a policy for treating an initial rezoning as a translation zoning during the next cycle.

Nazeeh Abdul-Hakeem of the City/County Planning Department briefed Council on the staff report.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-2, SC and R-20 zoning for the above described newly annexed territory was approved at 10:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE: P01-50 – SIMA RAFIZADEH - APPROXIMATELY .50 ACRES AT 2706 CHAPEL HILL BOULEVARD

Case: Rezoning P01-50

Applicant: Sima Rafizadeh

Location: Approximately .50 acres at 2706 Chapel Hill Boulevard, PIN 0810-08-99-9569 (Tax Map 208, Block 2, Lot 1)

Request: Rezoning from RM-12 (Multifamily Residential District) to GC (General Commercial District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as GC.

Zoning Committee Recommendation and Vote: Approval – (7-0)

Planning Department Recommendation: Approval

Nazeeh Abdul-Hakeem of the City/County Planning Department briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Ted Patterson, 4627 Mt. Sinai Road, spoke in support of this item.

Jennifer Albright, representing the Tuscaloosa Neighborhood Association, encouraged Council to support the rezoning application.

Mayor Bell declared the public hearing closed.

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Council Member Stith asked the administration if this area is designated as general commercial would it open the door for other potential uses.

Nazeeh Abdul-Hakeem of the City/County Planning Department noted that staff did not have a concern about the types of uses in that district because the whole strip is general commercial. Also, he noted they would need a development plan to restrict the uses that would be allowed in that district.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as GC was approved at 10:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE: P01-51 – FOUNTAINS INVESTMENT, LLC – CITY OF DURHAM - 42.15 ACRES ON THE EAST SIDE OF I-40 JUST NORTH OF NC 54

Case: Initial Zoning of Newly Annexed Territory (Fountains Investment, LLC) P01-51

Initiated by: City of Durham

Location: 42.15 acres on the east side of I-40 just north of NC 54. PIN 0708-02-59-3121 (TM 485, Block 1, Lot 10)

Request: OI-2 (General Office and Institutional District with Development Plan) and OI-1 (Transitional Office and Institutional District), No change in existing zoning classification is proposed, existing zoning is OI-1(D) and OI-2(D)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-1(D), OI-2(D) zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

Nazeeh Abdul-Hakeem of the City/County Planning Department made comments on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Best to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-1(D), OI-2(D) zoning for the above described newly annexed territory was approved at 10:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and

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Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE: P01-52 – PSNC ENERGY – NORTH DURHAM – CITY OF DURHAM - WEST SIDE OF OLD OXFORD ROAD, NORTH OF HAMLIN ROAD

Case: Initial Zoning of Newly Annexed Territory (PSNC Energy – North Durham) P01-52

Initiated by: City of Durham

Location: West side of Old Oxford Road, north of Hamlin Road, PIN 0833-02-59-6281 (Tax Map 783A, Block 1, Lot 1)

Request: I-2 (Light Industrial District) No change in existing zoning classification is proposed, existing zoning is I-2

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish I-2 zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish I-2 zoning for the above described newly annexed territory was approved at 10:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE: P01-53 – TREYBURN LLC – CITY OF DURHAM - VINTAGE HILL PARKWAY EAST OF SNOWHILL DRIVE

Case: Initial Zoning of Newly Annexed Territory (Treyburn LLC) P01-53

Initiated by: City of Durham

Location: Vintage Hill Parkway east of Snowhill Drive, PIN 0833-02-59-6281 (TM 848, Block 2, Lot 1)

Request: PDR-2.24 (Planned Density Residential-2.24 units/acre) No change in existing zoning classification is proposed, existing zoning is PDR-2.24

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To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish PDR-2.24 zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish PDR-2.24 zoning for the above described newly annexed territory was approved at 10:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P01-54 – IMMANUEL FREE WILL BAPTIST CHURCH – CITY OF DURHAM - 3.35 ACRES ON ELLIS ROAD, WEST OF THE DURHAM FREEWAY

Case: Initial Zoning of Newly Annexed Territory (Immanuel Free Will Baptist Church) P01-54

Initiated by: City of Durham

Location: 3.35 acres on Ellis Road, west of the Durham Freeway, PIN 0749-01-07-4169, 5128, 6166, 8147, 9200 (TM 641, Block 2, Lots 8, 9, 10 12, 12A)

Request: R-20 (Residential 20 District) No change in existing zoning classification is proposed, existing zoning is R-20

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the above described newly annexed territory was approved at 10:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

JANUARY 22, 2002

SUBJECT: ZONING MATTER CASE: P01-55 – VALTERRA HOLDINGS – CITY OF DURHAM – 9.45 ACRES ON THE WEST SIDE OF ALSTON AVENUE

Case: Initial Zoning of Newly Annexed Territory (Valterra Holdings, LLC) P01-55

Initiated by: City of Durham

Location: 9.45 acres on the west side of Alston Avenue, north of Southern Parkway, PIN 0737-01-38-9224; 0737-01-37-7863 (TM 542B, Block 1, Lots 9, 10)

Request: OI-2 (General Office and Institutional District with Development Plan) No change in existing zoning classification is proposed, existing zoning is OI-2(D)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-2(D) zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-2(D) zoning for the above described newly annexed territory was approved at 10:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REVITALIZATION EFFORTS FOR NORTH EAST CENTRAL DURHAM (NECD)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to refer this item to the February 7th Council Work Session was approved at 10:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to go into a closed session to discuss matters relating to the location or expansion of industries or other businesses in the City pursuant to G.S. 143-318.11(a)(4) was approved at 10:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[OPEN SESSION]

JANUARY 22, 2002

Mayor Bell noted in closed session that Council authorized the City Manager to begin discussions of business points with the proposed developer of the second tower to be submitted to Council at the appropriate time.

There being no further business to come before the City Council, the meeting was adjourned at 10:51 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk